# Network Communications International Corp.

# NETWORK COMMUNICATIONS INTERNATIONAL CORP.

606 E. Magrill Street Longview, Texas 75601

(888) 230-4523

# RATES, RULES AND REGULATIONS for FURNISHING

# RESALE TELECOMMUNICATIONS SERVICES

Filed with the

PUBLIC SERVICE COMMISSION OF KENTUCKY

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of telecommunications services provided by Network Communications

International Corp. between points within the Commonwealth of Kentucky SERVICE COMMISSION OF KENTUCKY

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PURSUANT TO DDY KAR 5011

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Issued: May 3, 1999

Effective: June 2, 1999

Issued by:

Mr. William L. Pope - President

606 E. Magrill Street Longview, Texas 75601

## CHECK SHEET

Pages of this tariff, as indicated below, are effective as of the date shown at the bottom of the respective pages. Original and revised pages, as named below, comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

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# **APPLICATION OF TARIFF**

The regulations, rules and conditions set forth in this Tariff apply to the provision of intrastate public telecommunications services furnished within the Commonwealth of Kentucky by Network Communications International Corp. subject to the jurisdiction of the Public Service Commission of Kentucky.

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#### **SYMBOLS**

The following are the only symbols used for the purposes indicated below:

- (C) To signify a changed listing, rule or condition which may affect rates or charges.
- (D) To signify discontinued material, including a listing, rate, rule or condition.
- (I) To signify an increase in rates or charges.
- (M) To signify material relocated from or to another part of this Tariff with no change in text, rate, rule or condition.
- (N) To signify new material, including a listing, rate, rule or condition.
- (R) To signify a reduction in rates or charges.
- (T) To signify a change in the wording of the text, but no change in rate, rule or condition.
- (X) To signify a correction or reissued matter.

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#### TARIFF FORMAT

- A. Page Numbering Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Page Revision Numbers Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the KY PSC. For example, the 4th revised Page 14 cancels the 3rd revised Page 14.
- **C. Paragraph Numbering Sequence -** There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

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#### SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Certain terms used generally throughout this tariff, particularly those for specialized common carrier communication channels furnished by the Company over its facilities are defined below:

<u>Access</u> - Access to NCIC's services are provided by one or more or a combination of the following methods: presubscription in equal access areas, direct access, 800, 950 and 10XXX dialing sequences.

<u>Access Code</u> - A sequence of numbers that, when dialed, connect the caller to the provider of services associated with that sequence.

<u>Aggregator</u> - Any person, excluding local exchange carriers and cellular service providers, that, in the ordinary course of its operations, make telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services.

<u>Authorization Code</u> - A numerical code, one or more of which may be assigned to a Customer, to enable the Company to identify the origin of the Service User so the Company may rate and bill the call. All Authorization Codes shall be the sole property of the Company and no Customer shall have any property or other right or interest in the use of any particular Authorization Code. Automatic Numbering Identification ("ANI") may be used as or in connection with the Authorization Code.

<u>Authorized User</u> - A person or entity that accesses the Company's services. An Authorized User is responsible for compliance with this tariff.

<u>Automatic Numbering Identification (ANI)</u> - A type of signaling provided by a local exchange telephone company that automatically identifies the local exchange line from which a call originates.

Available Usage Balance - The amount of usage remaining on a Debit Account at any particular point in time. Each Debit Account has an Initial Account Balance which is stated either in U.S. dollars or Call Units, depending upon the type of service. The Available Balance is depleted as services provided by the Company are utilized by the Customer.

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PURSUANT TO 807 KAR 5:011, SECTION 9 (1)

BY: Stephano Buy SECRETARY OF THE COMMISSION

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# SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)

Billed Party - The person or entity responsible for payment of the Company's Service(s): For a Direct Dialed Call, the person or entity responsible for payment is the Customer responsible for payment for local telephone service at the telephone used to originate an intrastate call. In the case of a Traveler Card call or other credit card call (herein collectively the "Card"), the person or entity responsible for payment is the Customer of record of the Traveler Card or other valid and acceptable Card used. In the case of a collect or third party call, the person or entity responsible for payment is the person responsible for local telephone service at the telephone number that agrees to accept charges for the call. In the case of a Room Charge Call, the entity responsible for payment is the Aggregator controlling the telephone used to originate the intrastate call. In all Operator Assisted calls not involving Cards, third party calls, collect calls or Room Charge calls, the person or entity responsible for payment is the Customer responsible for payment for local telephone services at the telephone used to originate the intrastate call.

<u>Calling Card Call</u> - A Direct Dialed call for which charges are billed not to the originating telephone number, but to a LEC or interexchange carrier calling card.

<u>Central Office</u> - A Local Exchange Carrier switching system where Local Exchange Carrier customer station loops are terminated for purposes of interconnection to each other and to trunks.

<u>Channel</u> - The term "Channel" denotes a path for electrical transmission between two or more points, the path having a band width designed to carry voice grade transmission.

<u>Common Carrier</u> - A company or entity providing telecommunications services to the public.

<u>Credit Card Call</u> - A Direct Dialed or Operator Assisted call for which charges are billed not to the originating telephone number, but to a commercial credit card, such as Visa or MasterCard.

<u>Customer</u> - The term "Customer" denotes the person, partnership, association, joint stock company, trust, corporation, or governmental entity or any other entity that is responsible for payment of charges and for compliance with this tariff.

Customer - Provided Facilities - The term "Customer - Provided Facilities of denotes all solow communications facilities provided by the Customer and/or Authorized User other than those provided by the Company.

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# SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)

(N) Debit Account - An account which consists of a pre-paid usage balance depleted on a real-time basis (N) during each Debit Service call.

Debit Card - A pre-established account number (typically associated with a card), issued by the Company and purchased by a Customer for access to the Company's network for the purpose of placing long distance telephone calls.

Debit Service Call - A Service accessed via a "1-800" or other access code dialing sequence whereby the Customer or Authorized User dials all of the digits necessary to route a call. Network usage for each call is deducted from the available usage balance on a Company issued Debit Account.

Direct Dialed Call - An intrastate telephone call that is automatically completed and billed to the telephone number from which the call originated without the automatic or live assistance of an operator.

Equal Access - Has the meaning given that term in Appendix B of the Modification of Final Judgment entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Colombia), as amended by the Court in its orders issued prior to October 17, 1990.

Equal Access Code - An access code that allows the public to obtain an equal access connection to the carrier associated with that code.

Exchange - The term "Exchange" denotes a unit established by the Local Exchange Carrier for the administration of communications service in a specified area that usually embraces a city, town or village and its environs. It consists of one or more Central Offices together with the associated facilities used in furnishing communications service within that area.

Initial Usage Balance - The amount of usage on a Debit Account upon issuance and before any PUBLIC SERVICE COMMISSION depleting call activity. OF KENTUCKY

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<u>Intrastate Message Telecommunications Service ("MTS")</u> - The term "Intrastate Message Telecommunications Services" denotes the furnishing of direct dialed intrastate switched service to the Customer for the completion of long distance voice and dial-up low speed data transmissions over voice grade channels between points wholly within Kentucky.

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<u>Local Exchange Carrier ("LEC")</u> - The term "Local Exchange Carrier" denotes any telephone company that provides local telephone service to Customers within a defined area.

<u>Measured Charge</u> - A charge assessed on a per minute or incremental basis in calculating a portion of the charges due for a completed call.

NCIC - Network Communications International Corp.., the issuer of this tariff.

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PURSUANT TO 807 KAR 5:011, SECTION 9 (1)

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Operator Assisted Call - An intrastate telephone connection completed through the use of the company's operator.

Operator Service Charge - A non-measured (fixed) charge that is added to a measured charge in calculating the total tariff charges die for a completed Operator Assisted call.

<u>Operator Services</u> - Any telecommunication service that includes, as a component, any automatic or live assistance to a Customer or its Authorized User to arrange for billing or completion, or both, of an intrastate telephone call through a method other than"

- (i) automatic completion with billing to the telephone from which the call originated; or
- (ii) completion through an access code used by an Authorized User, with billing to an account previously established with the carrier by the Authorized User.

<u>Operator Service Provider</u> ("OSP") - Any person or entity that provides operator services by using live or automated operator functions. When more than one entity is involved in processing an operator service call, the party billing the calls shall be considered the OSP. However, subscribers to customer-owned pay telephone service shall not be deemed to be an OSP.

Operator Station Calls - An Operator Assisted call wherein the person originating the call is assisted by an operator but does not specify a particular person, department or extension to be reached through a PBX attendant.

Other Common Carrier - The term "Other Common Carrier" denotes a common carrier, other than the Company, providing domestic and/or international communications service to the public.

Personal Identification Numbers (PINS) - Code numbers used in connection with designated telephone numbers which allow intrastate calls to be categorized for various applications.

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<u>Person-to-Person Calls</u> - An Operator Assisted call which is placed under the stipulation that the caller will speak only to a specific called party, a specified extension or office to be reached through a PBX attendant. Such a call is not completed until either the specific party named by the caller is contacted, or the caller agrees to speak to a different party. The caller must arrange with the operator to make a person-to-person call; otherwise, all Operator Assisted calls will be treated as Operator Station calls.

<u>Point(s) of Presence</u> - The term "Point(s) of Presence" denotes the site(s) where the Company provides a network interface with facilities provided by Other Common Carriers, Local Exchange Carriers or Customers for access to the Company network configuration.

<u>Premise</u> - The term "Premise" denotes a building or buildings on contiguous property (except railroad rights-of-way, etc.) not separated by a public highway.

<u>Presubscribed Provider of Operator Services</u> - The intrastate provider of Operator Services to which the Authorized User is connected when the Authorized User places a call using a provider of operator services without dialing a special access code.

<u>Provider of Operator Services</u> - Any common carrier that provides operator services or any other person to be determined by the Federal Communications Commission and/or the PSC of Kentucky to be providing operator services.

PSC of Kentucky - Public Service Commission of Kentucky.

Real Time Rated - An intrastate call placed with the assistance of an operator, for which charges are collected by an Aggregator, normally a hotel or motel, may be a hospital, from the guest or occupant of the room from which the call originated. A call of this type requires that NCIC communicate the call detail and charges back to the originating location following completion of the call. This service is provided only where authorized by the Aggregator. Calls of this type are rated according to the Real Time Rate Schedules herein.

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<u>Sent Paid Coin</u> - Sent paid coin rates apply to calls placed from pay telephone stations and are paid for by depositing by depositing coins at the pay telephone and are rated in real time. A call of this type requires NCIC to communicate and collect the charges from the originating location.

<u>Service</u> - Intrastate telecommunications service provided to a Customer or Authorized User by the Company.

<u>Special Access Service</u> - All exchange access not utilizing telephone company end office switches. This service includes dedicated access that connects end user to end user, end user to carrier, or carrier to carrier and may include analog or digital channels for voice, data or video transmissions.

<u>Subscriber</u> - Any person, firm, partnership, corporation, governmental agency or other entity that orders service from the Company on behalf of itself or on behalf of others. A Subscriber may, in the ordinary course of its operations, makes telephones available to transient users of its premises for placing of intrastate calls. The Subscriber has a pre-existing business arrangement with the Company and may also be a Customer.

<u>Telecommunications</u> - The transmission of voice communications or, subject to the transmission capabilities of the Service, the transmission of data, facsimile, signaling, metering, or any other form of intelligence.

<u>Third Party Calls</u> - An Operator Assisted call for which charges are billed not to the originating number, but to a third party telephone number which is neither the originating nor the terminating telephone number.

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## SECTION 2 - RULES AND REGULATIONS

## 2.1 Undertaking of the Company

Service is offered to residential and business Customers of the Company to provide operator assisted calls to transient end users originating and terminating partially or wholly within the state of Kentucky, using the Company's network configuration. All Services are provided subject to the terms and conditions set forth in this tariff. In the event of a conflict between a contract entered into by the Company and this tariff, the terms of this tariff shall prevail.

The Company's services and facilities are provided to transient end users on a per call basis unless otherwise provided, and are available twenty-four hours per day, seven days per week.

#### 2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, or both facilities and equipment, and subject to the provisions of this tariff.
- 2.2.2 NCIC reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff, or in violation of the law.

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Mr. William L. Pope - President

# 2.2 Limitations, (Cont'd.)

- 2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.
- 2.2.4 All services and facilities provided under this tariff are directly or indirectly controlled by NCIC and the Customer may not transfer or assign the use of service or facilities without the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.

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#### 2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

## 2.4 Liabilities of Company

- 2.4.1 Except as stated in this section, the Company shall have no liability for damages of any kind arising out of or related to events, acts, rights or privileges contemplated in this tariff. This tariff does not limit the liability of the Company for willful misconduct.
- 2.4.2 The liability of the Company, if any, for damages resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects in transmission, or failures or defects in facilities furnished by the Company in the course of furnishing service or arising out of any failure to furnish service shall in no event exceed an amount of money equivalent to the proportionate charge to the Customer for the period of service during which such mistakes, omissions, interruptions, delays or errors or defects in transmission occur and continue. However any such mistakes, omissions, interruptions, delays, errors, or defects in transmission or service that are caused by or contributed to by the negligence or willful act of Customer, or which arise from the use of Customer-Provided Facilities or equipment shall not result in the imposition of any liability whatsoever upon the Company.

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# 2.4 Liabilities of Company, (Cont'd.)

- 2.4.3 NCIC shall not be liable for any failure of performance hereunder due to causes beyond its control, including but not limited to Acts of God, fires, flood or other catastrophes; atmospheric conditions or other phenomena of nature, such as radiation; any law, order, regulation, directive, action or request of the United States Government, or any other government, including state and local governments having jurisdiction over NCIC or the services provided hereunder; national emergencies; civil disorder, insurrections, riots, wars, strikes, lockouts, work stoppages, or other labor problems or regulations established or actions taken by any court or government agency having jurisdiction over the Company or the acts of any party not directly under the control of the Company.
- 2.4.4 NCIC is not liable for any act, omission or negligence of any Local Exchange Carrier or other provider whose facilities are used concurrently in furnishing any portion of the services received by Customer, or for the unavailability of or any delays in the furnishing of any services or facilities that are provided by any Local Exchange Carrier. Should the Company employ the service of any Other Common Carrier in furnishing the service provided to Customer, the Company's liability shall be limited according to the provisions above.
- 2.4.5 NCIC shall be indemnified and held harmless by the Customer and Authorized User from and against all loss, liability, damage, and expense, including reasonable attorney's fees, due to claims for libel, slander, or infringement of copyright or trademark in connection with any material transmitted by any person using the Company's services and any other claim resulting from any act or omission of the Customer or Authorized User relating to the use of the Company's facilities.
- 2.4.6 The Company shall not be liable for any act or omission of any other entity furnishing to the Customer facilities or equipment used with the service furnished hereunder; nor shall the Company be liable for any damages or losses due in whole or in part to the failure of Customer-provided service, equipment or facilities.
- 2.4.7 Under no circumstances whatever shall the Company or its officers, directors, agents, or employees be liable for indirect, incidental, special or consequential damages.

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# 2.4 Liabilities of Company, (Cont'd.)

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2.4.8 The Company shall not be liable for any claim, loss or refund as a result of loss or theft of Debit Cards or Personal Identification Numbers issued for use with the Company's services. Nor will the Company be liable for any claim, loss or refund on any unused balance remaining on a Debit Card provided to a Customer before or after the expiration date assigned to each Debit Account.

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PURSUANT TO 807 KAH 5:011, SECTION 9 (1) BY: Stephan Bell SECRETARY OF THE COMMISSION

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## 2.8 Payment for Service and Credit Regulations

Terms of payment are subject to the rules of the PSC of Kentucky. Contested charges will be handled in accordance with 807 KAR 5:006, Section 9.

# 2.8.1 Billing and Credit Regulations

The charges for service are due when billed and are billed and collected by the Company or its authorized agent, or the connecting company from whose service point the messages were sent paid or at whose service point the messages were received collect.

## 2.8.2 Payment for Service Regulations

The Customer is responsible for payment of all charges for services, including charges for service originated or charges accepted at the Customer's service point.

- (A) Charges for direct dialed calls will be included on the originating party's bill pursuant to billing and collection agreements established by the Company or its intermediary with the applicable telephone company.
- (B) Any applicable federal, state and local use, excise, sales or privileges taxes or similar liabilities chargeable to or against the Company as a result of the provision or the Company's service hereunder to the Customer shall be charged to and payable by the Customer in addition to the rates indicated in this tariff.
- (C) The Customer shall remit payment of all charges to any agency authorized by the Company to receive such payment.
- (D) If the bill is not paid within thirty calendar days following the mailing of the bill, the account will be considered delinquent.

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# 2.8 Payment for Service and Credit Regulations, (Cont'd.)

# 2.8.2 Payment for Service Regulations, (cont'd.)

- (D) If the bill is not paid within thirty calendar days following the mailing of the bill, the account will be considered delinquent.
- (E) A delinquent account may subject the Customer's service to temporary disconnection. The Company is responsible for notifying the Customer at least five calendar days before service is disconnected. The Company does not charge a late charge for unpaid bills.
- (F) Failure to receive a bill will not exempt a Customer from prompt payment of any sum or sums due the Company.
- (G) In the event the Company must employ the services of attorneys for collection of charges due under this tariff or any contract for special services, Customer shall be liable for all costs of collection including reasonable attorney's fees and court costs.
- (H) NCIC will not bill for unanswered calls in areas where Equal Access is available, nor will NCIC knowingly bill for unanswered telephone calls where Equal Access is not available. In the event that an unanswered call is inadvertently billed due to the unavailability of Equal Access, NCIC will cancel all such charges upon request or may credit the account of the Billed Party. Any call for which the billed duration exceeds one minute shall be presumed to have been answered.
- In the event the Customer is overbilled, an adjustment will be made to the Customer's account and the Customer will be deemed to not owe overbilled amount. If the Customer is underbilled, the Customer is allowed to either pay in lump sum or in installments.

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# 2.8 Payment for Service and Credit Regulations, (Cont'd.)

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# 2.8.2 Payment for Service Regulations, (cont'd.)

(J) Payments for service provided in association with Company issued Debit Accounts must be received by the Company or its authorized agents prior to the activation of the Customer's Debit Account. The Customer shall be responsible for all calls placed via the Debit Account as the result of the Customer's intentional or negligent disclosure of their Personal Identification Number (PIN).

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Mr. William L. Pope - President

# 2.9 Right to Backbill for Improper Use of the Company's Service

Any person or entity that uses, appropriates or secures the use of service from the Company, whether directly or indirectly, in any unlawful manner or through the providing of any misleading or false information to the Company and which uses, appropriation, or securing of services is inconsistent with the stated uses, intents, and purposes of this tariff or any restrictions, conditions, and limitations stated herein, shall be liable for an amount equal to the accrued and unpaid charges that would have been applicable to the use of the Company's service actually made by Customer.

# 2.10 Billing Entity Conditions

When billing functions on behalf of NCIC are performed by local exchange telephone companies, credit card companies or others, the payment conditions and regulations of such companies apply, including any applicable interest and/or late payment charges. In case of any disputed charges that cannot be resolved by the billing company, the Billed Party may contact NCIC directly. If there is still a disagreement about the disputed amount after investigation and review by NCIC or other service provider, the Billed Party has the option to pursue the matter with the appropriate state commission and/or the Federal Communications Commission.

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# 2.11 Compliance with Regulatory Requirements

The Company reserves the right to discontinue service, limit service, or to impose requirements on Customers as required to meet changing regulatory rules and standards of the PSC of Kentucky.

#### 2.12 Interconnection

The Company reserves the right to interconnect its services with those of any Other Common Carrier, Local Exchange Carrier, or alternate access provider of its election, and to utilize such services for the provision of services offered herein.

## 2.13 Denial of Access to Service by the Company

The Company expressly retains the right to deny access to service without incurring any liability for any of the following reasons:

- 2.13.1 Nonpayment of any sum due for service provided hereunder, where the Customer's charges remain unpaid more than ten (10) days following notice of nonpayment from the Company. Notice shall be deemed to be effective upon mailing of written notice, postage prepaid, to the Customer's last known address;
- 2.13.2 Customer's acts or omissions that constitute a violation of, or a failure to comply with, any regulation stated in this tariff governing the furnishing of service, but which violation or failure to comply does not constitute a material breach or does not pose any actual threatened interference to NCIC operations or its furnishing of service. The Company agrees to give Customer ten (10) days notice of such violation or failure to comply prior to disconnection of service; or
- 2.13.3 The implementation of any order of a court of competent jurisdiction, or federal or state regulatory authority of competent jurisdiction, prohibiting the Company from furnishing such service; or
- 2.13.4 Failure to pay a previously owed bill by the same Customer at another location.

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## 2.14 Customer's Liability in the Event of Denial of Access to Service by the Company

In the event a Customer's service is disconnected by the Company for any of the reasons stated in Section 2.13, the Customer shall be liable for all unpaid charges due and owing to the Company associated with the service.

## 2.15 Reinstitution of Service

The Company will reconnect service upon Customer request as soon as the reason for the Customer's termination is removed. If the Customer seeks reinstitution of Service following denial of service by the Company, the Customer shall pay to the Company prior to the time service is reinstituted (1) all accrued and unpaid charges, but there will be no charge for the service restoration.

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## 2.16 Credit Allowances for Interruption of Service

Credit allowances for interruptions of service are limited the initial minimum period charge incurred to re-establish the interrupted call.

## 2.17 Inspection, Testing and Adjustment

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for tests and adjustments as may be deemed necessary by the Company for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made when the interruption is less than twenty-four consecutive hours.

## 2.18 Reservation of Toll Free Numbers

NCIC will make every effort to reserve "vanity" toll free numbers on the Customer's behalf, but makes no warranty or guarantee that the "vanity" number(s) will be available for use by the Customer.

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# 2.19 Responsibilities of Aggregators

In addition to the responsibilities of Aggregators in their capacities as Subscribers, Aggregators must also adhere to the following requirements:

- 2.19.1 Aggregators must post on the telephone instrument, in plain view of Authorized Users,
  - (A) The name, address, and toll-free telephone number of the provider of operator services; and
  - (B) A written disclosure that the rates for all operator-assisted calls are available on request, and that Authorized Users have a right to obtain access to the intrastate common carrier of their choice and may contact their preferred intrastate common carriers for information on accessing that carrier's service using that telephone; and
  - (C) The name and address of the enforcement division the Federal Communications Commission, to which the Authorized User may direct complaints regarding Operator Services.
  - (D) Any other information required by state or federal regulatory agencies or law.
- 2.19.2 Aggregators must ensure that each of its telephones presubscribed to a provider of operator services allows the Authorized User to use "800" and "950" access code numbers to obtain access to the provider of operator services desired by the Authorized User.
- 2.19.3 NCIC shall withhold payment (on a location-by-location basis) of any compensation, including commissions, to Aggregators if NCIC reasonably believes that the Aggregator (i) is blocking access by means of "950" or "800" numbers to intrastate common carriers in violation of <a href="Telephone Consumer Protection Act of 1990">Telephone Consumer Protection Act of 1990</a> paragraph 3.4.1.B.; or (ii) is blocking access to equal access codes in violation of rules the Federal Communication Commission and/or the state Commission may prescribe.

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# 2.20 Responsibilities of the Subscriber

- 2.20.1 The Subscriber is responsible for placing any necessary orders, for complying with tariff regulations, and for ensuring that Authorized Users comply with tariff regulations. The Subscriber is also responsible for the payment of charges for calls originated at the Subscriber's premises that are not collect, third party, calling card, or credit card calls.
- **2.20.2** The Subscriber is responsible for charges incurred for special construction and/or special facilities that the Subscriber requests and which are ordered by NCIC on the Subscriber's behalf.
- **2.20.3** If required for the provision of NCIC's Services, the Subscriber must provide any equipment space, supporting structure, conduit, and electrical power without charge to Century.
- **2.20.4** The Subscriber is responsible for arranging ingress to its premises at times mutually agreeable to it and NCIC when required for NCIC personnel to install, repair, maintain, program, inspect, or remove equipment associated with the provision of NCIC's Services.
- 2.20.5 The Subscriber shall ensure that its terminal equipment and/or system is properly interfaced with NCIC's facilities or services, that the signals emitted into NCIC's network configuration are of the proper mode, bandwidth, power, and signal level for the intended use of the Subscriber and in compliance with the criteria set forth in Part 68 of the Code of Federal Regulations, and that the signals do not damage equipment, injure personnel, or degrade service to other Subscribers.

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## 2.20 Responsibilities of the Subscriber, (Cont'd.)

- 2.20.6 If the Subscriber fails to maintain the equipment and/or the system properly, with resulting imminent harm to NCIC's equipment, personnel, or the quality of Service to other Subscribers or Customers, NCIC may, upon written notice, require the use of protective equipment at the Subscriber's expense. If this fails to produce satisfactory quality and safety, NCIC may, upon written notification, terminate the Subscriber's service.
- 2.20.7 The Subscriber must pay NCIC for replacement or repair of damage to the equipment or facilities of NCIC caused by negligence or willful act of the Subscriber, its Authorized Users, or others, or by improper use of equipment provided by the Subscriber, Authorized Users, or others.
- **2.20.8** The Subscriber must pay for the loss through theft or fire of any of NCIC's equipment installed at Subscriber's premises.

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# 2.21 Responsibilities of Authorized Users

- 2.21.1 The Authorized User is responsible for compliance with the applicable regulations set forth in this tariff as well as all rules and regulations of the state utility commission and the FCC.
- 2.21.2 The Authorized User is responsible for identifying the station, party, or person with whom communication is desired and/or made at the called number.
- 2.21.3 The Authorized User is responsible for providing NCIC with a valid method of billing for each call. NCIC reserves the right to validate the credit worthiness of users through available credit card, calling card, called number, third party telephone number, and room number verification procedures. Where a requested billing method cannot by validated, the user may be required to provide an acceptable alternate billing method or NCIC may refuse to place the call.

#### 2.22 Bill Format

Bills for use of the Company's service are issued as part of the local exchange telephone company standard format.

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# **SECTION 3 - DESCRIPTION OF SERVICES AND RATES**

#### 3.1 General

Network Communications International Corp. offers operator assisted service to its customers. All operator services are available 24 hours a day, seven days a week.

NCIC's Operator Assisted Service is provided for use by transient Customers at host or Subscriber locations. Services arranged for the use of the transient public are subject to restrictions imposed by the PSC of Kentucky and the Federal Communications Commission.

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# 3.2 Determination of Call Duration and Timing of Calls

- 3.2.1 For Direct Dialed Calls, chargeable time begins when the connection is established between the calling station and the desired telephone, attendant board, or private branch exchange console.
- **3.2.2** Chargeable time ends when the connection is terminated.
- 3.2.3 Chargeable time does not include the time lost because of known faults or defects in the service.
- 3.2.4 The initial and additional timing periods for billing purposes vary by product and are specified in Section 3 of this tariff.
- 3.2.5 The Company will not bill for unanswered calls. When a Customer indicates that he/she was billed for an incomplete call, NCIC will reasonably issue credit for the call.

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## 3.3 Time of Day Rate Periods

For time of day sensitive services, the appropriate rates apply for day, evening and night/weekend calls based on the following chart:

	MON	TUES	WED	THUR	FRI	SAT	SUN
8:00 AM TO 4:59 PM		DAYTIN PEAK					
5:00 PM TO 10:59 PM	EVENING RATE PERIOD OR OFF PEAK RATE PERIOD						EVE
11:00 PM TO 7:59 AM	NIGHT/WEEKEND RATE PERIO OR OFF PEAK RATE PERIOD					DD	

3.3.1 Day, Evening, and Night/Weekend times are determine by the local time of the location of the calling service point. Chargeable time for a rate period (e.g. 8AM-5PM) begins with the first stated hour (8AM) and continues to, but does not include, the second stated hour (5PM). The rate applicable at the start of chargeable time at the calling station applies to the call during the duration of the call that is applicable to that time period. If a call begins in one discount period and ends in another, the initial period discount applied is the discount in effect at the time the call is established. The charge for each additional minute of usage is the additional minute billing rate of the rate period in which the beginning of each minute occurs.

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# 3.3 Time of Day Rate Periods, (Cont'd.)

- 3.3.2 The time when connection is established is determined in accordance with the time-standard or daylight savings -legally or commonly in use at the location of the calling service point and determines whether Day, Evening, Night or Weekend rates apply. This rule applies to all intrastate direct dialed calls.
- 3.3.3 The Evening rate applies to the holidays listed below unless a lower rate period is in effect.

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

\*\*\*

\* = Applies to Federally recognized days only.

\*\* = If the holiday falls on a Sunday, the holiday rates are applied to the following Monday. If the holiday falls on a Saturday, the holiday rates are applied to the preceding Friday.

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#### 3.4 Calculation of Distance

For services which are distance sensitive, usage charges are based on the airline distance between the serving wire center locations associated with the originating and terminating points of the call.

The distance between the originating and terminating points is calculated by using the "V" and "H" coordinates of the serving wire centers as defined by BellCore (Bell Communications Research), in the following manner:

Step 1: Obtain the "V" and "H" coordinates for the serving wire center of the Customer's switch and the destination point.

Step 2: Obtain the difference between the "V" coordinates of each of the serving wire centers. Obtain the difference between the "H" coordinates.

Step 3: Square the differences obtained in Step 2.

Step 4: Add the squares of the "V" difference and "H" difference obtained in Step 3.

Step 5: Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.

Step 6: Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the originating and terminating serving wire centers of the call.

Formula:

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

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# 3.5 Operator Services

Operator Service provides operator assisted calling services. Calls originate over switched access facilities. Customer must dial either "0+ destination number" or "0-" for operator assisted calls.

# 3.5.1 Description of Charges

For operator service calls, one of the following per-call service charges applies:

# (A) Customer Dialed Credit/Calling Card Charge

This charge applies in addition to usage charges for calls billed to a Commercial Credit Card or Calling Card when the Customer dials all of the digits required to route and bill the call.

# (B) Operator Station Charge

This charge applies in addition to usage charges for calls placed with operator assistance, other than Customer Dialed Credit/Calling Card and Person to Person calls.

# (C) Person to Person Charge

This charge applies in addition to usage charges for calls placed to a particular party at the destination number. Charges do not apply unless the specified party or an acceptable substitute is available. Calls may be billed to a third number, credit/calling card, or the called party (collect).

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## 3.5 Operator Services, (Cont'd.)

## 3.5.1 Description of Charges, (cont'd.)

## (D) Operator Dialed Service Charge

This charge applies in addition to usage and per call service charges for calls when the Customer has the capability of dialing all the digits necessary to complete the call, but elects to have the operator dial the called station. The service charge does not apply to calls when operator dialing is due to technical problems with dialing or for calls placed on behalf of a handicapped person unable to dial the call.

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## 3.5 Operator Services, (Cont'd.)

# 3.5.2 Intrastate InterLATA Per Period Charges - Operator Service Calls

(A) Operator Station Billed to Third Party, Collect and Sent Paid Non-Coin; Person-to-Person Billed to a Calling Card or Credit Card or other than Sent Paid Coin; Real Time Rated Operator Station/Person-to-Person Billed to a Calling Card

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

## Per Minute Usage Charges:

	Day		Evening		Night/Weekend	
Mileage Band	1 <sup>st</sup> Minute	Add'l . Minute	1 <sup>st</sup> Minute	Add'l Minute	1 <sup>st</sup> Minute	Add'l Minute
0-10	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
11-16	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
17-22	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
23-30	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
31-55	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
56-85	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
86-124	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
125-196	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
197-292	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
293+	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900

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606 E. Magrill Street Longview, Texas 75601

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## 3.5 Operator Services, (Cont=d.)

## 3.5.2 Intrastate InterLATA Per Period Charges - Operator Service Calls

## (B) Operator Dialed Calling Card Billed to Calling Card

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

## Per Minute Usage Charges:

	Day		Evening		Night/Weekend	
Mileage Band		Add'l Minute	1 <sup>st</sup> Minute	Add'l Minute	1 <sup>st</sup> Minute	Add'l Minute
0-10	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
11-16	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
17-22	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
23-30	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
31-55	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
56-85	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
86-124	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
125-196	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
197-292	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
293+	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900

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Mr. William L. Pope - President 606 E. Magrill Street Longview, Texas 75601

## 3.5 Operator Services, (Cont=d.)

## 3.5.2 Intrastate InterLATA Per Period Charges - Operator Service Calls

## (C) Operator Station/Person-to-Person Sent Paid Coin

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

## Per Minute Usage Charges:

	Day		Eve	Evening		Night/Weekend	
Mileage Band	1 <sup>st</sup> Period	Add'l Period	1 <sup>st</sup> Period	Add'l Period	1 <sup>st</sup> Period	Add'l Period	
0-10	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
11-16	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
17-22	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
23-30	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
31-55	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
56-85	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
86-124	\$0.6900	\$0.6900	\$0,6900	\$0.6900	\$0.6900	\$0.6900	
125-196	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
197-292	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	
293+	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	

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## 3.5 Operator Services, (Cont=d.)

## 3.5.3 Intrastate IntraLATA Per Period Charges - Operator Service Calls

(A) Operator Dialed Calling Card; Operator Station Billed to Third Party, Collect and Sent Paid Non-Coin; Person-to-Person Billed to a Calling Card or Credit Card or other than Sent Paid Coin; Real Time Rated Operator Station/Person-to-Person Billed to a Calling Card

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

#### Per Minute Usage Charges:

	Day		Evening -		Night/Weekend	
Mileage Band	1 <sup>st</sup> Minute	Add'l Minute	1 <sup>st</sup> Minute	Add'l Minute	1 <sup>st</sup> Minute	Add'] Minute
0-10	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
11-16	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
17-22	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
23-30	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0,6900	\$0.6900
31-55	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
56-85	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
86-124	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
125+	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900

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## 3.5 Operator Services, (Cont=d.)

#### 3.5.3 Intrastate IntraLATA Per Period Charges - Operator Service Calls

#### (B) Operator Station/Person-to-Person Sent Paid Coin

Calls are billed in one (1) minute increments after an initial minimum call duration of one (1) minute. Partial minutes are rounded up to the next minute.

## Per Minute Usage Charges:

	Day		Evening		Night/Weekend	
Mileage Band	1 <sup>st</sup> Period	Add'l Period	1 <sup>st</sup> Period	Add'l Period	1 <sup>st</sup> Period	Add'l Period
0-10	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
11-16	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
17-22	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
23-30	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
31-55	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
56-85	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
86-124	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900
125+	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900	\$0.6900

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# 3.5 Operator Services, (Cont=d.)

# 3.5.4 Intrastate InterLATA Per Call Charges - Operator Services

# (A) Per Call Service Charges

,	Automated		Operator Assisted	
Customer Dialed Calling Card Station:	\$4.95	<b>(I)</b>		
Operator Dialed Calling Card Station:	\$5.50	<b>(I)</b>	•	
Operator Station				
Collect:	\$3.95	,	\$5.50	(N)
Billed to Third Party:	\$3.95	(R)	\$6.50	(N)
Sent Paid Non Coin:	\$3.95	(R)	\$5.50	(N)
Person to Person:	\$9.95	<b>(I)</b>		

# 3.5.5 Intrastate IntraLATA Per Call Charges - Operator Services

# (A) Per Call Service Charges

	Automated	Operator Assisted	
Customer Dialed Calling Card Station:	\$4.95 <b>(I)</b>		
Operator Dialed Calling Card Station:	\$5.50 (I)		
Operator Station	•		
Collect:	\$3.95 <b>(I)</b>	\$5.50 (N)	
Billed to Third Party:	\$3.95 <b>(I)</b>	\$6.50 <b>(N)</b>	
Sent Paid Non Coin:	\$3.95 <b>(I)</b>	\$5.50 (N)	
Person to Person:	\$9.95 <b>(I)</b>		

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

JAN 08 2002

PURSUANT TO 807 KAR 5:011, SECTION 9 (1) BY: Stephano Bus

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Mr. William L. Pope - President 606 E. Magrill Street Longview, Texas 75601

#### 3.6 Debit Card Service

(N)

Debit Card Service allows Customers to place calls from locations other than their normal place of business or residence. Customers dial an access code and identification code in addition to the called number. Customers may choose from a variety of card denominations. Service is paid for in advance of actual usage. Charges for the service are deducted from the available balance on the prepaid debit card. Cards may be purchased in various denominations of dollars or minutes.

#### 3.6.1 Terms and Conditions of Service

- (A) All of the Company's debit cards are renewable. Customers may renew the cards at point of purchase or via the telephone through the use of a verifiable commercial credit card.
- (B) Calls to 500, 700, 800/888, 900 and 976 numbers and calls requiring operator assistance and the quotation of time and charges cannot be completed using the Debit Card. Air to ground and high sea service may not be completed. Calls may not be completed using rotary telephone service.
- (C) All calls must be charged against a Debit Card that has a sufficient available balance. A Customer's call will be interrupted with an announcement one minute before the balance is about to be depleted. Calls in progress will be terminated by the Company if the balance on the Prepaid Card is insufficient to continue the call.
- (D) All Company Debit Cards expire one (1) year from the last time the card was used. If the card is not used within a one (1) year period from date of purchase, it will expire.

(E) The Company does not refund any unused balances in a Debit Account of the Country of the Cou

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# 3.6 Debit Card Service, (Cont'd.)

# (N)

#### 3.6.2 Discontinuance of Service

Debit Card Service may also be discontinued or refused without notice for the following conditions:

- (A) For non-payment of any amount past due to the Company by the Customer, including non-payment of a Customer Card Account Renewal of a fully depleted balance.
- (B) When the Available Account Balance of a non-renewable account is depleted to a level insufficient to place a one-minute call to the location of least cost.
- (C) When the established expiration date of the Customer Account is reached.

# 3.6.3 Description

Debit Card Service is offered to organizations or commercial entities for distribution to their members, patrons or customers. The marketing vehicle and expiration period is selected by the organization or commercial entity upon joint agreement with the Company. The organization or commercial entity is responsible for obtaining all necessary permissions for the use of any trade mark, trade name, service mark or other image on the card. The Company reserves the right to approve or reject any image and to specify the Customer information language and use of the Company's trade mark, trade name, service mark or other image on the card. The organization or commercial entity may distribute the Company's debit cards at reduced rates or free of charge to end users.

Customers purchase a Debit Card which assigns each Customer a Debit Account, provides each Customer with a Personal Identification Number (PIN) and lists instructions for accessing and using the Company's service.

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606 E. Magrill Street Longview, Texas 75601 (N)

# 3.6 Debit Card Service, (Cont'd.)

(N)

## 3.6.3 Description, (cont'd.)

The Company's system informs the Customer of the Available Usage Balance remaining in the Debit Account and prompts the Customer to place a call by entering a destination telephone number. Network usage for calls placed is deducted from the Available Usage Balance in the Customer's Debit Account on a real time basis as the call progresses.

For debiting purposes, call timing is rounded up to the nearest one (1) minute increment after an initial period of one (1) minute. Usage charges are computed and rounded up to the nearest penny on a per call basis.

## 3.6.4 TelAmigo Debit Card

Per Minute Charge:

\$0.149

Per Call Surcharge (from Payphone Location):

\$0.490

(N)

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## **SECTION 4 - MISCELLANEOUS SERVICES**

## 4.1 Late Payment Charge

A late fee of 1.5% per month will be charged on any past due balance.

# 4.2 Return Check Charge

A return check charge of \$20.00 will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of this tariff and pursuant to Kentucky law and Commission regulations.

## 4.3 Directory Assistance

Directory Assistance is available to Customers of NCIC service. A Directory Assistance charge applies to each call to the Directory Assistance Bureau. Up to two requests may be made on each call to Directory Assistance. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

Director	y Assistance,	Per	Call

InterLATA Directory Assistance	\$0.85
IntraLATA Directory Assistance	\$0.33

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